

3414. Adulteration and misbranding of clinical thermometers. U. S. v. 48

* * *. (F. D. C. No. 29676. Sample No. 50866-K.)

LIBEL FILED: August 7, 1950, Western District of Washington.

ALLEGED SHIPMENT: On or about January 20 and April 28, 1950, by the Cardinal Thermometer Co., from Brooklyn, N. Y.

PRODUCT: 48 *clinical thermometers* at Seattle, Wash. Examination of 24 thermometers showed that 5 failed to comply with the Commercial Standard CS1-42 since 3 failed to repeat readings and 2 did not give readings of the accuracy required by CS1-42.

LABEL, IN PART: (Package) "Cardinal DeLuxe Fever Thermometer."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess, namely, "* * * tested and found to meet all the requirements and tests specified in the United States Department of Commerce, Commercial Standard CS1-42 for Clinical Thermometers."

Misbranding, Section 502 (a), the following statements in the labeling of the article were false and misleading as applied to an article which would not repeat readings or which did not give readings of the accuracy required by CS1-42: (Insert in package) "We, the undersigned Manufacturers, hereby certify that our registering clinical thermometer marked No. . . . has been examined and tested and found to meet all the requirements and tests specified in the United States Department of Commerce, Commercial Standard CS1-42 for Clinical Thermometers. This certificate is supported by a record of test of this thermometer. * * * The enclosed thermometer is guaranteed to be of absolute accuracy * * *."

DISPOSITION: April 30, 1951. Default decree of condemnation and destruction.

DRUGS ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS**DRUGS FOR HUMAN USE*****3415. Misbranding of Tran tablets. U. S. v. 57 Boxes, etc. (F. D. C. No. 30839. Sample Nos. 31366-L, 31556-L, 31557-L, 32151-L to 32153-L, incl., 32162-L, 32163-L.)**

LIBEL FILED: March 12, 1951, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about December 15, 1950, and January 8, 9, 11, 12, and 22, 1951, by the Atlas Pharmaceutical Distributing Co., Inc., from Chicago, Ill.

PRODUCT: *Tran tablets*. 57 boxes of the \$15.00 size, 244 boxes of the \$6.00 size, and 574 boxes of the \$3.00 size, at St. Louis, Mo., in the possession of the Katz Drug Co., together with a placard entitled "Tran Relieves Pain of Arthritis and Rheumatism within 30 Minutes"; a cloth sign reading, in part, "You Need Tran - Safe - Sure - Guaranteed"; a number of paper strip signs reading, in part, "Stop Torturing, Stabbing, Burning, Pains"; a number of tear sheets of an advertisement, which appeared in a St. Louis paper, headed, in part, "Stop Your Pain"; and a number of counter display cards reading, in part, "Stop Pain."

*See also Nos. 3413, 3414.